City of Lafayette
Special Meeting Minutes
City Council Meeting

MINUTES

Lafayette City Hall **January 22, 2008**
3675 Mt. Diablo Boulevard, Lafayette, California **6:00 p.m.**

1. CALL TO ORDER

Councilmember Anduri called the meeting to order at 6:30 p.m.

2. ROLL CALL

Present: City Council: Councilmembers Andersson, Anduri, Federighi and Tatzin

Absent: Mayor Anderson (arrived late)

Staff: Steven Falk, City Manager; Administrative Services Director Tracy Robinson; Engineering Services Manager Tony Coe; Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Andersson/Federighi) to adopt the agenda. Vote: 4-0-1 (Ayes: Tatzin, Andersson, Frederighi, Anduri; Noes: None; Absent: Anderson).

4. PUBLIC COMMENTS - None

5. OLD BUSINESS

A. Residential Road Repair

1. **Funds Available for 2009**
2. **Ranking of Failed Roads and Repair Priority**
3. **Maintaining Already Repaired Roads**

Councilmember Anduri announced that the goal setting session was rescheduled from February 4th to February 11th and the City's budget would be reviewed in detail at that meeting. The Council will discuss things tonight to help prepare for that meeting such as possible funds available that could be applied to roads. He said funds for 2008 have been committed, he confirmed with Mr. Coe that those projects would go out to bid within the next month. Available funding for 2009 projects include the annual $1 million the Council commits from the General Fund, approximately $400,000 in gas tax funds, the $300,000 Measure J funds and $753,400 which was earmarked at the last budget session.

The Council discussed $800,000 in State bond money it thought would be available for 2009, however, staff recently learned that only half will available in 2009 with the remainder to be available over the life of the project. Mr. Coe said the money can only

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come with each legislature's action to allocate the funding and there is no clarity as to how the remaining $400,000 is to be allocated in the future.

Guy Atwood questioned the deadline as to when the entire $400,000 must be paid, and Mr. Coe said one MTC model shows it being paid in five equal increments after 2009, but he was not sure what the legislature will do. Councilmember Anduri then confirmed that the total amount expected to be available for 2009 road repair is $2,853,400.

Mr. Coe said that included in the staff report is also an estimate of an additional $24,000 to be paid by EBMUD for water utilities for Victoria Avenue and Victoria Court, which are two of the higher ranking streets in the list of failed roads. Staff is still in negotiations with EBMUD to substantially increase the $24,000 figure, but as a placeholder, he included it in the list of available funds for 2009.

Councilmember Anduri noted that in the staff report was a chart showing the 2009 Capital Improvement Program applying the money using the prioritization that had been previously implemented by CPAC, and also assuming that the City uses $1 million for maintenance of previously repaired roads. The second chart shows an alternative; the difference is that the PMP maintenance is deferred and the $1 million would instead be used for additional local road repair.

Mr. Coe reported that in 2009, three major projects will be done to maintain sections of pavement on Deer Hill Road, St. Mary's Road and Camino Diablo. This would cost approximately $1 million. If this is taken out of the $2.9 million in available funds, it leaves enough money to do 5 local road repair projects on Camino Colorados, Hermosa Court, Victoria Avenue, Victoria Court, and Rancho View Drive. In conjunction, there are also drainage improvements that go along with these projects.

Rancho View Drive and Camino Colorados came straight off the priority ranking spreadsheet from May. Although Hermosa Court is farther down the list, it is a tiny court off Camino Colorados and it makes sense to also work on that at the same time versus mobilizing a separate contract at another time.

Victoria Avenue and Victoria Court are among the higher ranking streets, but the driver for putting them in this list ahead of slightly higher ranking streets is the fact that EBMUD just went through and installed a new water line on these two roads. EBMUD is obligated to repave their trench, but nothing else. Staff believes this is an opportunity to coordinate the repaving and take advantage of money EBMUD would have spent on repaving the trench on a failed road thus allowing the City to essentially rebuild the road at a discount.

Mr. Coe said if the Council decides the City should temporarily suspend any type of maintenance on good roads, then staff would move to the no-maintenance alternative spreadsheet, where 4 other local roads would be added to the list; Walnut Lane, Evelyn Court, Reliez Station Road, and Hastings Court. Evelyn Court has a very low priority score but is included because it is a very small court off of Walnut Lane. The other two roads are essentially the next ranking streets. With this list, there are 4 drainage improvement projects that staff is recommending for a total of approximately $2.9 million. Mr. Coe said there was a typographical error on the "No Maintenance Alternatives" list under drainage improvements; "Camino Diablo" should state "Camino Colorados" for $185,000.

NOTED PRESENT
Vice Mayor Tatzin was noted present.
Regarding the implication for deferring maintenance, Mr. Coe said the last time anything was done to Deer Hill Road and St. Mary's Road was 10 years ago and if nothing is done this year, his strong recommendation is that the Council commit to doing something in 2010.

Lynn Hiden questioned how much would the City add if it waited 2 years and questioned if the work would be a total overlay project. Mr. Coe said he did not look at 2 years, but 1 year is probably negligible and 5 years would cost about $3 million. In terms of maintenance work, on Deer Hill Road it would be a combination of overlay on the easterly section down by Pleasant Hill and a rubberized cape seal for the westerly section. St. Mary's Road is a total overlay and a rubberized cape seal on Camino Diablo.

Lynn Hiden referred to ranking, asked if it was revised and thought a fair number of extra points were given to the number of users, and those users were the ones who defeated the bond measure. Mr. Coe agreed and said at one point he had safety and the number of uses as the same factor with a multiplier of 1.2, and he lowered it to 1.15. Ms. Hiden said the City's habit has been to address the greatest number of users, did not agree with the factor and suggested it be changed.

Susan Callister agreed with the mobilization and savings of money by doing certain streets together which are near each other. She voiced concern in deferring maintenance and thought it did not make sense from a safety or financial standpoint.

Will Tissue said he understands this has been the City's policy where streets in good condition have continued to be maintained, but said this could not be continued in perpetuity, as one taxpayer will never get their street paved and one taxpayer will get their street paved and maintained in great condition forever. He thinks it would not be addressed in a comprehensive basis until voters can be persuaded to approve a bond measure.

NOTED PRESENT
Mayor Anderson was noted present.

Councilmember Federighi questioned if the surplus of $1.8 million identified in the 2007/08 General could be allocated to the 2009 Pavement Management Program, and Councilmember Anduri said this would be part of the discussion on February 11th.

Guy Atwood said the Roads Task Force would want to put the $1.8 million toward roads, said it is difficult for him to recommend to the Council whether or not funds should be deferred at this point without knowing what the long-term plans are for committing additional funds. Councilmember Anduri said even if the City applied all available monies to roads there is not enough to fix all of them and the Council will discuss this at the February 11 meeting. He said there are also a number of unmet needs throughout the community, specifically police protection, library services and downtown improvements, all of which will need to be taken into consideration. He thought maybe the best approach is to wait until after the February 11th meeting, see what all the funding needs are and then return. But, at some point, unless there is a tax measure, the City will need to address the deferred maintenance issue. Also, the City will have to address the question of the order in which the roads are fixed.

George Burtt said he calculated the 2009 costs and confirmed with Mr. Coe that he used a 3%-3.5% escalation each year. Mr. Burtt suggested that at least for the first year the City should prioritize the repairs first and then maintenance later and spoke about the reverse occurring in the past.

Don Lively questioned the overall impact of deferring maintenance on streets.

Jim Burns said at the last meeting he was told by Mr. Coe that Public Works would advocate an alternative plan to do something for the condition of roads. The next day he called Public Works about a large pothole and staff indicated they would have a contractor look at what could be done. The contractor reviewed the situation and wanted $7,000 and 1.5 days to fix the road to a certain level and Mr. Burns asked that money be put into doing some of the things that make the roads bearable to drive on.

Ann Burns said if people see the Council is making some effort in fixing the roads and tightening their belts, there is more chance of a positive outcome by voters.

Vice Mayor Tatzin referred to the PMP maintenance schedule for 2009 and asked how far out the PMP program planning went. Mr. Coe said normally staff does a rolling 5-year plan which is updated every 2 years. In 2007, he published a list of the major streets that would have to get maintenance work through 2011 and this would be the year to update that list in the next couple of months.

Councilmember Anduri said materials prepared for the bond election showed how the funds would be used, and for 2008 it lists the specific PMP projects. Then, in 2009 and beyond it has an entry for arterials and collector PMP and the amounts assigned. He confirmed with Mr. Coe that in order to keep up with maintenance of arterials and collectors, it costs about $1.1 million a year. Some years will be slightly more or less and the shift of one year would not make a difference in a 5-7 year planning average.

A speaker said if you are a voter that has lived on a street that has benefited from being maintained and everything continues along, he did not see that person having a big incentive to approve any kind of a bond measure. He suggested St. Mary's or Deer Hill not be maintained for a year or two which might prove better results for a positive vote. City Manager Falk said Orinda has pursued a similar strategy and it did not work.

Councilmember Anduri confirmed that $80,000-$100,000 per year was in the Public Works' budget for potholes; however, the budget is intended to repair bad potholes and not for a systematic approach to improving roads.

Vice Mayor Tatzin questioned if the City ever did an experiment to take a road similar to what the contractor had proposed for $7,000 on Camino Colorados and see how long it lasts. Mr. Coe said staff has not done this because he felt it was a waste of taxpayer's money and essentially painting over a failed road the City knows needs to be fixed. Using creative treatments will extend the life of the pavement and still prevent it from falling into the reconstruction category, but there are a group of roads that had a pavement condition index in the 40's and 50's where if they were not all overlaid, in 3 years they would all be in the 20's and 30's and the backlog would be even bigger.

Several years ago, the Council allocated an additional $2 million to the PMP for work on a number of these "almost failed" roads and actually brought the index of the entire system up as well as decreasing the total dollar amount of the backlog.

Vice Mayor Tatzin asked the Council to consider doing an experiment and take the $7,000, choose a target road, fix it, and then document what happens. Mr. Coe reminded the Council that 14-15 years ago the City did overlay section of Happy Valley Road and it was not ready to be overlaid. Three years later, it failed. He thinks the City is looking to do something for the problem but if it is not the appropriate solution, people living on the road will not be happy with the product, the problem would not be solved, the money will have been spent, and those same people would be back saying the City wasted money.

Ann Burns questioned how close the Engineer's Report is to being put together and said she counted 270 pot holes since the last rain. Mr. Coe said he has driven Camino Colorados often looking for pavement problems. He agrees it is a bad road, it has failed areas and undulations and cracking, but it is not something that can be fixed with putting asphalt over it because it will not hold for anything longer than two rains.

Vice Mayor Tatzin said the Council has heard there is an alternative to Camino Colorados as well as other roads and he thinks this will be a good topic for the meeting on February 11th.

Councilmember Anduri believed there to be a two-tier system; 1) roads that are fixed and being maintained, and 2) failing roads. For those failing, in terms of potholes developing, he asked how far the Public Works' budget goes to take care of serious potholes. Mr. Coe said given some recent examples, other than filling individual potholes, the City can skin patch or overlay big sections of road which covers up the failed areas and smoothes the road out so there are no safety hazards. The Public Works Director's budget handles about 2-3 of these every year and this cannot be blindly done to all 118 roads. Regarding how far the budget goes, he was not sure, but it is at least $10,000 to $20,000 for each large job and agreed this was a broader solution than filling individual potholes.

Lynn Hiden referred to the possibility of passing a bond measure, said she understands the Acalanes High School District is coming in with a new bond measure in 2008 or 2009 and because of this, did not believe any road measure would pass soon.

Dan Bosshart said he lives on Camino Colorados, is gratified to hear that in either scenario it will get repaved but in fairness, other people should also get their roads fixed. He did not believe it was cost-effective to spend 5 figures fixing potholes or doing overlays.

Guy Atwood said if potholes could be fixed on Camino Colorados for $7,000 and then be repaired in 2009, this would be something he would look seriously at doing. If it will cost $90,000, then he would wait until 2009. He thought it might be worthwhile to look at this as a plan B or C, given the existence of safety issues.

J.P. Van Overveen cited the psychological effect of roadwork visa vies an election for bonds and said there were several roads that got an overlay which will not last.

Regarding ranking of failed roads, Councilmember Anduri asked how people felt about the ranking system. Guy Atwood said if a tiny road could be done in an area contiguous to a road, he asked that it be done due to cost savings. Sherry Hoover disagreed and spoke of a situation that occurred prior to the election where her neighbor did not support the bond, as her road was repaired along with another close by.

City Manager Falk said this is an argument that cannot be won; Orinda decided they would not fix any roads, they let Camino Pablo deteriorate completely, the City Manager was directed not to fill any of the potholes until after the election and people heard this and felt the City still had the obligation to fix roads regardless of an election. He therefore believes the City Council has a responsibility to fix the most roads in the most efficient manner it can and that it should be done regardless of whether or not there is an election.

Lynn Hiden suggested the Council educate residents by explaining City finances and also in speaking to groups. Councilmember Anduri said for those who were not familiar with Ms. Hiden's comment, Councilmember Andersson made a proposal which was approved at the last meeting that calls for the City Council Speakers' Bureau, speaking more to official local bodies about a variety of City topics.

Lynn Hiden also recommended reducing the percentage points allocated to the most heavily traveled roads in the ranking. Councilmember Anduri felt this would not have a huge impact and Mr. Coe agreed that 5-15 percentage points would make little or no difference, and the paving condition index is contributed to a combination of factors and is not intended to fix the worst roads first.

Councilmember Anduri asked if there was any interest in another method, such as drawing streets out of a hat.

George Burtt suggested moving forward with all streets and deferring annual maintenance this year and then returning next year to find money for maintenance. He supported those streets that have the highest ranking score even though many of the streets in his area will be pushed down.

ACTION: Councilmember Anduri confirmed with the Council there was consensus for approval of the CPAC rankings.

Councilmember Anduri asked if there was consensus that the City go in the order by which they are ranked by CPAC, while also including the courts and nearby roads. Councilmember Federighi noted those on the higher end of the list also fit in with the geographics thus far.

ACTION: Councilmember Anduri confirmed there was consensus that roads be fixed in how they are ranked under the CPAC method.

Regarding whether to defer maintenance on the already repaired arterials and the collector roads, Councilmember Anduri said Guy Atwood had a good point in that this decision cannot be made until after the February 11th meeting, and Mr. Atwood suggested the group meet again after the February 11th meeting to address this.

George Burtt disagreed and suggested the Council will choose to defer maintenance for one year with the hopes more money could be found to backfill maintenance. Councilmember Anduri suggested the Council address the issue at the February 11th meeting.

Ann Burns referred to the $590,000 for roads this year and asked what it was for. Mr. Coe referred to the "No Maintenance Alternative" spreadsheet. The $590,000 is part of the $753,000 shown. She also asked about the Vista's article for those who are interested in providing matching dollars for repairs, and City Manager Falk said staff has not received any formal request for the 50% match, but he was approached by a woman who is currently speaking with neighbors who are putting together a group who might want to pay for 50% matching funds. He said in every instance of neighbors wanting to provide a 50% match, the City has taken them up on their offer. The City encourages people to come forward and they are addressed on a case-by-case basis. Mr. Coe briefly discussed with Mr. Burns Public Contract law and those residents wanting to do the work themselves.

Councilmember Anduri encouraged everyone to attend the February 11th meeting.

6. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Andersson) to adjourn the meeting at 7:30 p.m. to the next regular meeting on February 11, 2008. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

APPROVED:

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Mike Anderson, Mayor

ATTEST:

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Joanne Robbins, City Clerk